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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID LARITA-AREOLA, JYRO REMANES,
ANTHONY BUMCROT, JONATHAN CRUZ,
MIRA MUNIZ, EDUARDO REYES, DANIAL
BRIDGES, STEPHANIE MARSHALL, JASON
COX, MATTHEW CARABALLO, ANDREW
JONES, DEVIN MARTY, MERSADIES
GRAVES, AMY MORENO, ANTONIO
ROBERTO RIOS, JASE RIOS, ALAN MILES,
RICKY WOLFINBARGER, CAMERON
KEANE, DEREK HALLBERG, CARLOS
FRANCISCO MARTINEZ, DIMITRIUS
OLLARVIA, JOSHUA RIOS, JASMINE
JONES, JESSE ROMERO, NICK RINALDO,
ANGELICA CANELA, MICHAEL
RODRIGUEZ, ALEXANDER BROWN,
BAILEY KEIBLER, BRANDON
CALDERONE, DYLAN DUGGINS, DULAL
WOODS, JULIO ANCHONDO, SONYA
GUERRERO, RIDGE JACOB, KAZU
VILLIATORA, KIMBERLY BATIE, KYLE
CHRISTOPHER, STEVEN ERVIN,
NICHOLAS LEMOINE, DEVEN MYERS and
DEBORAH WALKER,

Plaintiffs,

vs.

VEGAS VALLEY GROWERS, LLC, a Nevada
Limited Liability Company; JCL GROUP, LLC,
a Nevada Limited Liability Company and JCL
GROUP, LLP, a Nevada Limited Liability
Partnership,

Defendants.

CASE NO.: 2:20-cv-02106-CDS-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY**

(Fourth Request)

1 Plaintiffs DAVID LARITA, et al (“Plaintiffs”) and Defendant VEGAS VALLEY
 2 GROWERS, LLC, et al. (“Defendants”), by and through their counsel of record hereby
 3 STIPULATE AND AGREE that the current discovery cutoff date of May 23, 2022, be continued
 4 for a period of ninety (90) days up to and including August 26, 2022. This is the fourth extension
 5 to the discovery period that has been requested in this matter.

6 This request has been necessitated by continued discovery difficulties faced by counsel
 7 based on the number of plaintiffs (43) involved, which were earlier made much more cumbersome
 8 and difficult due to the COVID pandemic, as well as the hospitalization of counsel for Defendant’s
 9 elderly mother beginning at the end of January and continuing through the beginning of April,
 10 some discovery issues which the parties are currently meeting and conferring on, and serious
 11 attempts by counsel to attempt to determine if this matter can be resolved without the significant
 12 discovery remaining to be completed.

13 The request is made for an 90 additional days because counsel for Defendant: will be
 14 missing several days in the first week of May to attend his son’s graduation from college out of
 15 state; has two significant labor arbitrations scheduled for the City of Henderson at the end of May
 16 and beginning of June of 2022; has a 7-day trial scheduled for the June 21, 2022, stack in Dept. 13
 17 of the Eighth District Judicial Court (Case No. A-19-801233-B); and has a short trial scheduled
 18 for July 1, 2022 (Case No. A-21-831698-C). Counsel for Plaintiffs, who is a sole practitioner, will
 19 be out of town from April 29th through May 3rd, has an appellate brief due on May 19, 2022 with
 20 the Ninth Circuit Court of Appeals, Docket No. 21-15623, and has numerous depositions and other
 21 discovery to attend to in other matters in the next two months, including Case Nos. 2:21-cv-00008-
 22 RFB-DJA, 2:19-cv-01497-JAD-VCF and 2:21-cv-01512-GMN-NJK. This request is not made for
 23 the purpose of delay but to allow counsel and the parties to efficiently coordinate discovery in this
 24 case where there are large numbers of plaintiffs and documents.

25 **1. DISCOVERY COMPLETED TO DATE:**

26 Plaintiffs and Defendant each made their initial disclosures required under Fed. R. Civ. P.
 27 26(a)(1)(A). Plaintiffs and Defendant have both propounded written discovery and responses have
 28 been served. On April 8, 2022, the parties met and conferred to discuss a discovery dispute

1 regarding production of documents by both sides and this process is continuing while Defendant
 2 attempts to locate and gather potentially responsive documents. The parties have also been
 3 engaging in discussions to determine if it will be possible to come to a reasonable resolution of
 4 this matter prior to conducting the numerous depositions that remain.

5 **2. DISCOVERY YET TO BE COMPLETED**

6 Defendant intends to take the depositions of multiple Plaintiffs to be determined prior to
 7 the close of discovery. Plaintiff also would like to depose individuals determined once further
 8 discovery has been completed by the parties.

9 **3. REASONS WHY REMAINING DISCOVERY HAS NOT YET BEEN COMPLETED:**

10
 11 Discovery has not been completed due to the reasons stated above as well as the limited
 12 shutdown of operations due to the COVID-19 coronavirus, which has affected law firms,
 13 governmental agencies, and the courts, has slowed down the discovery process in this case. Work
 14 proceeded on this case throughout the shutdown period, but it proceeded much more slowly than
 15 it would have during ordinary times. Recently, counsel for Defendant has experienced issues
 16 related to the health of his elderly mother, which has made scheduling difficult as he has had to
 17 leave the office regularly to check on her health and change in living arrangements.

18 **4. REVISED DISCOVERY PLAN:**

19 1. Discovery Cut-Off Date: **August 26, 2022.**
 20 2. Dispositive Motions: The date for filing dispositive motions shall be not later than
 21 **October 10, 2022.** This date is 45 days after the new discovery cut-off date. Additional time is
 22 requested due to the unusual number of individual plaintiffs involved.

23 3. In the event that the discovery period is extended from the discovery cut-off date
 24 set forth in this Stipulation and Order to Extend Discovery, the date for filing dispositive motions
 25 shall be extended for the same duration, to be not later than 45 days from the subsequent discovery
 26 cut-off date.

27 4. Pretrial Order: The date for filing the joint pretrial order shall be not later than
 28 **November 9, 2022,** 30 days after the date set for filing dispositive motions. In the event that

dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision on the dispositive motions or until further order of the court.

5. Additional Extensions of the Discovery Period: The last day for the parties to file their Motion and/or Stipulation to Extend Discovery shall be deadlines shall be 21 days prior to these revised discovery deadlines.

6. Any discovery deadline not extended in accordance with the Revised Discovery Plan set forth above shall remain controlled by the Stipulated Discovery Plan and Scheduling Order (ECF No. 10), as approved by the Court on April 14, 2021.

DATED this 22nd day of April, 2022.

DATED this 22nd day of April, 2022.

LAW OFFICES OF MICHAEL P. BALABAN

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ORDER

FOR GOOD CAUSE APPEARING, IT IS SO ORDERED.

DATED this 25th day of April, 2022.


UNITED STATES MAGISTRATE JUDGE